

NOV 29 2006

Application No.: 10/046,117

Docket No.: 16159/020001; P6415

**REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 12, 15-21, and 24-33 are pending in this application. Claims 12 and 25 are independent. The remaining claims depend, directly or indirectly, from claims 12 and 25.

**Declaration under 37 C.F.R. § 1.131**

By this reply, the Applicant has submitted all evidence (previously omitted) in support of the 37 C.F.R. § 1.131 declaration previously submitted on June 2, 2006.

**Rejections under 35 U.S.C. § 112, first paragraph**

The Examiner has rejected the specification under 35 U.S.C. § 112, first paragraph for failing to adequately teach how to make and use the invention. This rejection is respectfully traversed.

The Examiner has asserted that the terms: "non-cast object graph" and "non-cast root object" are present in the claims, but there is not teaching or suggestion of a "client compris[ing] a non-cast object graph, wherein the non-cast object graph comprises a non-cast root object and a plurality of non-cast objects...a server configured to instantiate a cast object graph using the internal representation" in the specification.

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With respect to the terms: “non-cast object graph” and “non-cast root object,” the aforementioned terms are used to convey that the object graph (which includes the root object) is initially not cast (*i.e.*, that the casting rules have not been applied to the object graph). Said another way, the term “non-cast,” for the purposes of the claims, is synonymous with “original” or “unmodified.” Moreover, through numerous examples, the specification clearly discusses, in enabling detail, that a client (*i.e.*, a computer) includes a non-cast (*i.e.*, original) object graph (*see e.g.*, Figure 2, Figure 5, and paragraphs [0031-0034] of the originally filed specification).

With respect to the term “instantiation,” object “instantiation” is well known in the field of computer science. Specifically, instantiating an object includes producing the particular object from a template (*e.g.*, an internal representation). Producing the object involves allocation of a structure with the types specified by the template, and initialization of instance variables associated with the object using either default values or those provided by a constructor function.

From the above, it logically flows that one skilled in the relevant art would understand the phrase “a server configured to instantiate a cast object graph using the internal representation” to mean creating objects to form an object graph (*see e.g.*, Specification, Figure 5) using the internal representation, where the names of the objects are cast (*see e.g.*, Specification, [0024]-[0026]). Further, one skilled in the art would understand that instantiating an object graph would involve well-known techniques for instantiating object coupled with well-known techniques for linking the instantiated objects to create an object graph.

In view of the above, the specification provides sufficient detail for the above terms and claim limitations to reasonably convey to one skilled in the art that the inventors, at the time the

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application was filed, had possession of the invention. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 112, second paragraph**

Claims 12, 15-21, and 24-33 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. This rejection is respectfully traversed.

In making this rejection, the Examiner has asserted that the term "cast" used solely and in connection with the terms "cast objects" and "non-cast objects" is unclear; the Applicant disagrees. It is a fundamental tenant of patent law that "an applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning. *See In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994)" (*see* M.P.E.P., § 2106). In this case, the Applicant has defined the term "cast" to mean modification of the name of an object in accordance with a casting rule (*see e.g.*, Specification, Table 2 and [0026]).\* Based on this definition, the term "non-cast" conveys that "casting" has not been performed. Accordingly, a non-cast object corresponds to an object on which casting, as defined in the specification, has not been performed. Similarly, a cast object corresponds to an object on which casting, as defined by the specification, has been performed.

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\* As a prophylactic measure, the Applicant reminds the Examiner that compliance with the written description requirement requires that each claim limitation be *expressly, implicitly, or inherently supported* in the Specification. *See* MPEP § 2163.02. Furthermore, "the subject matter of the claim need not be described literally (*i.e.*, using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." MPEP § 2163.02.

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In view of the above, claims 12, 15-21, and 24-33 are definite and withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 102**

Claims 25, 26, 32, and 33 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,006,230 ("Ludwig"). This rejection is respectfully traversed.

Independent claim 25 requires, in part: (i) a client-side transport packager configured to "create, in response to the request, an internal representation using a variable usage specification, a casting rule, and the non-cast root object, wherein the variable usage specification lists a first subset of the plurality of non-cast objects, forward the internal representation to the server," and (ii) "wherein an original name associated with each of the plurality of non-cast objects is modified in accordance with the casting rule, wherein the casting rule defines how to modify the original name associated with each of the plurality of non-cast objects."

The Applicant respectfully asserts that Ludwig fails to disclose at least the following limitations of independent claim 25. Specifically, Ludwig is complete silent with respect to creating an internal representation of a cast object graph using a variable usage specification (VUS), a casting rule, and a non-cast root object. In particular, Ludwig only teaches the ability for a user to specify the name of a proxy for a *single* object and then using the name to create the proxy (*see* Ludwig, abstract). However, there is no disclosure of a VUS, which lists a first subset of the plurality of non-cast objects or using such a VUS to create an internal representation of a cast object graph.

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Moreover, there is no disclosure of a casting rule as recited in independent claim 25. Specifically, Ludwig, as discussed above, only discloses the ability to specify a name of a proxy. Clearly, the mere ability to specify the name of a proxy is not equivalent to a casting rule that defines *how* to modify the original names a number of non-cast objects.

In view of the above, Ludwig fails to disclose all the limitations of independent claim 25. Accordingly, independent claim 25 is patentable over Ludwig. Further, dependent claims 26, 32, and 33 are patentable over Ludwig for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Rejections under 35 U.S.C. § 103**

Claims 12-18, 20, and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2002/0029375 ("Mlynarczyk") in view of U.S. Patent No. 6,141,792 ("Acker"). Mlynarczyk is not valid prior art to this application as evidenced by the attached declaration under 37 C.F.R. §1.131. As stated in the attached declaration, the present invention was conceived prior to the effective date of Mlynarczyk (*i.e.*, prior to June 26, 2001), and constructively reduced to practice with due diligence exercised by the inventors. In view of the above, Mlynarczyk may not be used to support the aforementioned 35 U.S.C. § 103 rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. § 103 as being unpatentable over Mlynarczyk and Acker in view of U.S. Patent No. 4,853,843 ("Ecklund"). As discussed above, Mlynarczyk is not prior art to the present invention and, thus, may not be used to support the aforementioned 35

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U.S.C. § 103 rejection. Accordingly, withdrawal of this rejection is respectfully requested. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 21 stands rejected under 35 U.S.C. § 103 as being unpatentable over Mlynarczyk and Acker and further in view of U.S. Patent No. 6,125,400 ("Cohen"). As discussed above, Mlynarczyk is not prior art to the present invention and, thus, may not be used to support the aforementioned 35 U.S.C. § 103 rejection. Accordingly, withdrawal of this rejection is respectfully requested. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 27 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ludwig in view of Applicant Admitted Prior Art ("AAPA"). The rejection is respectfully traversed. Claim 27 depends indirectly from independent claim 25. As discussed above, Ludwig fails to teach or suggest all the limitations of independent claim 25. Further, AAPA does not teach or suggest that which Ludwig lacks. This is evidenced by the fact the AAPA is only relied upon to teach or suggest using reflection or introspection for discovering a class at runtime (see Office Action mailed August 29, 2006, p. 17).

In view of the above, Ludwig and AAPA, whether viewed separately or in combination, fail to teach or suggest all the limitations of independent claim 25. Thus, independent claim 25 is patentable over Ludwig and AAPA. Further, dependent claim 27 is patentable over Ludwig and AAPA for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 28, 29, and 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ludwig and Mlynarczyk. As discussed above, Mlynarczyk is not prior art to the present invention and, thus, may not be used to support the aforementioned 35 U.S.C. § 103 rejection. Accordingly,

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withdrawal of this rejection is respectfully requested. Accordingly, withdrawal of this rejection is respectfully requested.


Claim 30 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ludwig in view of Mlynarczyk and Ecklund. As discussed above, Mlynarczyk is not prior art to the present invention and, thus, may not be used to support the aforementioned 35 U.S.C. § 103 rejection. Accordingly, withdrawal of this rejection is respectfully requested. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/020001).

Dated: November 29, 2006

Respectfully submitted,

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Attachment (Declaration under 35 U.S.C. § 1.131 (w/exhibits))